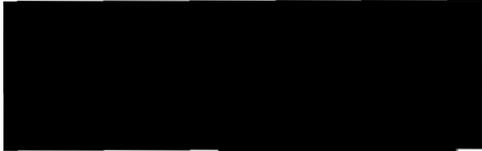




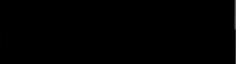
U.S. Citizenship  
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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: APR 10 2006

[WAC 05 088 70366]

IN RE:

Applicant:



APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO), on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reveals that the applicant filed a Form I-821, Application for Temporary Protected Status, after the initial registration period under Citizenship and Immigration Services (CIS) [receipt number SRC 02 188 54465.] The director denied that application on August 1, 2002, after determining that the applicant had failed to establish he was eligible for late initial registration. A subsequent appeal was dismissed by the Director, AAO, on February 28, 2003, who affirmed the director's finding that the applicant is not eligible for late initial registration.

The applicant filed the current Form I-821, on December 27, 2004, and indicated that he was re-registering for TPS.

The director denied the re-registration application because the applicant's initial TPS application had been denied and the applicant was not eligible to apply for re-registration for TPS.

If an alien is filing a re-registration application, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

In this case, the applicant has not previously been granted TPS. Therefore, he is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

The record of proceeding contains a copy of Form I-210, Voluntary Departure Notice, reflecting that on September 15, 1995, the Chief Patrol Agent in Miami, Florida, granted the applicant voluntary departure from the United States on or before October 14, 1995.

The record reflects that on his Form I-821, Application for Temporary Protected Status, signed on May 13, 2000; the applicant stated that he entered the United States in October 1998. However, he also forwarded a copy of his Republic of Honduran driver's license issued to him in Honduras on June 3, 2000. The applicant's statement as to his date of entry and his submitted evidence showing he was issued a driver's license outside the United States subsequent to his claimed entry casts doubt upon the validity of the evidence forwarded by him for the record. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

Beyond the decision of the director, it also is noted that the applicant has provided insufficient evidence to establish his continuous residence and continuous physical presence during the requisite time periods. 8 C.F.R. § 244.2 (b) and (c). Therefore, the application cannot be approved for these additional reasons.

The application will be denied for the above stated reasons, with each considered as an independent and alternative basis for denial. An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

**ORDER:** The appeal is dismissed.